HON'BLE MS JUSTICE G. ROHINI

W.P.NO. 22721 OF 2006

DATED: 17.4.2007

Between:

P. Venkata Rao

… Petitioner

and

Land Acquisition Officer, Rajahmundry and another

…
Respondents

HON'BLE MS JUSTICE G. ROHINI

W.P.NO.22721 OF 2006

ORAL ORDER:

This writ petition is filed seeking to declare the declaration dated 6.5.2006 published under Section 6 of the Land Acquisition Act, 1894 (for short 'the Act') as well as the notice in Form 7 dated 10.6.2006 issued under Sections 9 (3) and 10 of the Act in respect of the land to an extent of Ac.1.47 cents situated in Sy.No. 97/2/B and 0.53 cents in Sy.No.97/1/B/1 of Pulugurta Village, Anparti Mandal, East Godavari District, as illegal and arbitrary.

It is contended by the petitioner that the notification under Section 4(1) and the declaration under Section 6 of the Act were not published as required under the provisions of the Act and that they were not given proper opportunity to raise their objections against the proposed acquisition. It is also contended that though sanction was accorded for payment of 80% compensation for the lands acquired, the same was not fixed in accordance with the provisions of the Act.

The said allegations were denied by the respondents in the counter affidavit dated 16.1.2007. It is stated that the publication of the notification under Section 4 (1) and the declaration under Section 6 of the Act were made following due process of law and the possession of the land in question was taken on 25.10.2006 by the Mandal Revenue Inspector and the same was handed over to the Panchayat Secretary, Pulagurtha, for safe custody. It is also stated that 80% compensation was sanctioned taking into consideration the land value, and the value of the trees existing on the acquired land would be duly fixed by obtaining the report of the Horticulture Department, as per the Government norms. The allegation that the petitioner was not given an opportunity to raise his objections has been denied and it is stated that there is absolutely no violation of the procedure prescribed under the Act.

As could be seen from the counter affidavit, the market value mentioned in the sanctioned proceedings dated 7.9.2006 was only a preliminary one. In the counter affidavit, it is explained that 30% solatium was also added to 80% compensation and therefore no prejudice is caused to the petitioner in any way whatsoever.

Having regard to the version of the respondents in the counter affidavit, which stood un-rebutted, no further enquiry is necessary in the writ petition.

Accordingly, the writ petition is disposed of. No costs.

G. ROHINI, J

Date: 17.4.2007

cvm